

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

CARLOS ATANACIO-REYES,

Plaintiff,

v.

LISA DURAND, *et al*,

Defendants.

Civil Action No. 2:19-cv-275

Hon. William S. Stickman, IV

Hon. Patricia L. Dodge

ORDER OF COURT

Pro se Plaintiff Carlos Atanacio-Reyes (“Reyes”) brought this case in April 2019 alleging violations of his civil rights. While in the custody of the Pennsylvania Department of Corrections (“DOC”), Reyes contends that sixteen named Defendants failed to protect him from gang members. Following the close of discovery, Defendants filed a Motion for Summary Judgment. (ECF No. 106). After the conclusion of briefing, Magistrate Judge Patricia L. Dodge issued a Report and Recommendation on February 8, 2021. (ECF No. 127). She recommended that the motion be granted in part and denied in part. More specifically, Magistrate Judge Dodge recommended that summary judgment should be granted in favor of Defendants Lisa Durand, Mr. Perry, Mr. S. Erickson, Scott Riddle, Capt. Saley, Lt. Stanley, Mr. Byers, Mark Capozza, Trooper Davy, L. Reeher, Michael E. Overmeyer, Carter, and Lt. Reber. In addition, Magistrate Judge Dodge recommended that summary judgment be granted in favor of Defendants Lt. Dickey, Lt. Woods and Ms. Skillman as a matter of law with respect to Reyes’ Fourteenth Amendment claim against them. Magistrate Judge Dodge further recommended that Defendants’ motion for summary judgment with respect to Reyes’ Eighth Amendment claims against Defendants Lt. Dickey, Lt. Woods and Ms. Skillman and his First Amendment claim

against Defendant Ms. Skillman should be denied. (ECF No. 127). The parties were given the opportunity to file objections to the Report and Recommendation by February 22, 2021. (ECF No. 127).

No objections were filed. Therefore, the Court hereby ADOPTS Magistrate Judge Dodge's Report and Recommendation (ECF No. 127) as its opinion. It concurs with her legal analysis and resolution of the motion.

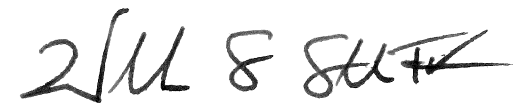
AND NOW, this 2nd day of March 2021, IT IS HEREBY ORDERED that Defendants' Motion for Summary Judgment (ECF No. 106) is GRANTED IN PART and DENIED IN PART.

The Motion for Summary Judgment is GRANTED in favor of Defendants Lisa Durand, Mr. Perry, Mr. S. Erickson, Scott Riddle, Capt. Saley, Lt. Stanley, Mr. Byers, Mark Capozza, Trooper Davy, L. Reeher, Michael E. Overmeyer, Carter, and Lt. Reber and against Plaintiff. Defendants Lisa Durand, Mr. Perry, Mr. S. Erickson, Scott Riddle, Capt. Saley, Lt. Stanley, Mr. Byers, Mark Capozza, Trooper Davy, L. Reeher, Michael E. Overmeyer, Carter, and Lt. Reber are hereby TERMINATED as parties in this case.

The Motion for Summary Judgment is GRANTED in favor of Defendants Lt. Dickey, Lt. Woods and Ms. Skillman as a matter of law with respect to the Fourteenth Amendment claim against them.

The Motion for Summary Judgment is DENIED with respect to the Eighth Amendment claims against Defendants Lt. Dickey, Lt. Woods and Ms. Skillman and the First Amendment claim against Defendant Ms. Skillman. These claims may proceed to trial.

BY THE COURT:

A handwritten signature in black ink, appearing to read "WILLIAM S. STICKMAN, IV", written over a horizontal line.

WILLIAM S. STICKMAN, IV
UNITED STATES DISTRICT JUDGE